



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2004/03

CUSTOMS ACT 1901 – PART XVB

Reconsideration of Customs' recommendation on the dumping of galvanised steel pipe from Thailand

The Australian Customs Service (Customs) will reconsider its finding on the causal link between the dumping of certain galvanised steel pipe exported to Australia from Thailand and material injury to the Australian industry in accordance with consent orders made by the Federal Court on 18 December 2003.

Customs intends to report to the Minister by 27 February 2004.

Background

On 17 February 2000, the previous Minister published dumping duty notices on hot dip galvanised, welded, circular hollow section, steel pipe in nominal sizes DN 15-100 exported to Australia from Thailand on or after 14 September 1999.

The Thai exporters, First Steel Industry Co Ltd, Pacific Pipe Co Ltd and Saha Thai Steel Pipe Co Ltd (Saha), subsequently applied to the Trade Measures Review Officer (TMRO) for a review of the decision.

The TMRO undertook a review and recommended that the Minister direct Customs to re-assess its findings in respect of material injury and causal link.

The former Minister accepted the TMRO's recommendations and directed Customs to report by 22 October 2000. Customs conducted its reinvestigation and submitted its report to the Minister. On 9 November 2000, the former Minister decided to affirm the imposition of anti-dumping measures. Public notification of this decision was made on 5 January 2001.

In April 2001, CMC (Australia) Pty Ltd, an importer of galvanised steel pipe from Thailand, sought a review by the Federal Court of the former Minister's decision of 9 November 2000. In December 2001 the Minister agreed to consent orders to set aside this decision.

The TMRO advised the Minister that the scope of the original recommendation to require Customs to reconsider the findings of causal link and material injury was only to the extent that it would have been necessary to reconsider the issue of causation. On 26 November 2002, the Minister directed that Customs reconsider its findings on the causal link between the dumped goods and material injury to the Australian industry accordingly and report to him by 23 December 2002.

Customs completed its re-investigation and reported to the Minister on 28 February 2003, recommending that the Minister:

- revoke the decision notified on 17 February 2000 to publish dumping duty notices in respect of galvanised steel pipe exported to Australia from Thailand
- substitute a new decision to publish a dumping duty notice in respect of galvanised steel pipe exported to Australia from Thailand other than exports from Saha.

On 2 May 2003 the Minister accepted Customs' recommendation. Public notification of the Minister's decision was made on 14 May 2003.

In July 2003, OneSteel Trading Pty Ltd, a company carrying on business in Australia of, amongst other things, manufacturing and selling galvanised steel pipe, sought a review by the Federal Court of Customs' recommendation of 28 February 2003 and of the Minister's decision of 2 May 2003. On 18 December 2003, the Federal Court made consent orders to:

- set aside the recommendation of Customs of 28 February 2003 insofar as it related to exports from Saha, with effect from the date of the consent orders,
- set aside the Minister's decision of 2 May 2003, with effect from the date of the consent orders, and
- reconsider the above decisions.

Notice of the reconsideration was published in *The Australian* on 19 January 2004.

SUE PITMAN
National Manager
Trade Measures Branch
CANBERRA ACT
19 January 2004